IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION

Jose Doe, Plaintiff, vs. Jason T. Olson, Chief of Police, Minot Police Department; Sgt. Dave Goodman, in his individual and official capacities; Detective Thompson, in her individual and official capacities; Detective Jesse Smith, in his individual and official capacities; Criminal Investigation Bureau, and an Unknown Number of Unknown Federal (ICE) and City of Minot Agents of Law Enforcement, Defendants.	)	**ORDER DENYING PLAINTIFF'S APPEAL FROM MAGISTRATE JUDGE'S ORDER** Case No. 4:14-cv-119

On January 12, 2015, Magistrate Judge Charles S. Miller, Jr. issued an order dismissing several defendants and denying Doe's motion to appoint counsel. See Docket No. 16. On January 26, 2015, Doe filed the present motion entitled "Appeal of Magistrate Judge Decision," seeking review of Judge Miller's decision. See Docket No. 22. Doe filed a brief in support of his appeal on January 30, 2015. See Docket No. 25.

In accordance with D.N.D. Civ. L. R. 72.1(D)(2), a Magistrate Judge's Order will be set aside only if it is found to be clearly erroneous or contrary to law. Having carefully reviewed the entire record and Judge Miller's order, the Court finds the decision is neither clearly erroneous nor contrary to the law. The Court agrees with Judge Miller that the North Dakota Bureau of Criminal Investigation is a state agency immune from § 1983 liability; the Minot Police Department is not a an entity subject to § 1983 liability; the allegations against Jason Olson as Chief of the Minot Police

Department are insufficient to state a claim for supervisory liability; and the appointment of counsel is unwarranted at this time.

Accordingly, Doe's appeal (Docket No. 22) is **DENIED**.

IT IS SO ORDERED.

Dated this 2nd day of April, 2015.

/s/ Daniel L. Hovland
Daniel L. Hovland, District Judge
United States District Court